

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHAEL RYAN PEACOCK,)	
Individually and On Behalf of All)	
Others Similarly Situated,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
v.)	NO. _____
)	
YAKIM MANASSEH JORDAN,)	
)	
Defendant.)	

VERIFIED COMPLAINT – CLASS ACTION

1.

Plaintiff brings this action, individually and on behalf of all other similarly situated persons in the United States of America, against Defendant, **Yakim Manasseh Jordan**, for numerous and persistent violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“**TCPA**”).

2.

The TCPA was enacted to protect individuals against harassment, annoyance and loss from abusive use of automated telephone dialing systems. To that end, the TCPA, and its implementing rules promulgated by the Federal Communications

Commission (“FCC”), restrict a variety of practices that are associated with telephone solicitation and use of the telephone network to deliver unsolicited advertisements or prerecorded and autodialed telephone calls.

3.

In particular, the TCPA provides, in pertinent part, that “[i]t shall be unlawful for **any person** within the United States, . . . to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice . . . to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call.” 47 U.S.C. § 227(b)(1)(A).

4.

Since late-2014, Defendant has used an automatic telephone dialing system to deliver pre-recorded messages to Plaintiff’s cellular telephone on well over two-hundred (200) occasions. Many of these calls went unanswered and the prerecorded messages were left as voicemails, many of which have been saved by Plaintiff. Although the content of these prerecorded messages changes frequently, they are all from a man calling himself the “Prophet Manasseh,” who without fail urges the

recipient of the message to call him back so that he can relay important information imparted to him by the Lord.

5.

Plaintiff has been receiving these calls even though Plaintiff's cellular telephone number has been registered with the FCC's National Do Not Call Registry since August 9, 2014, and even though Defendant knows his conduct violates the TCPA.

6.

Regarding the latter, Defendant knew that making the calls complained of would violate the TCPA because numerous lawsuits had already been filed against him in several other states alleging that Defendant's conduct violates the TCPA. Defendant has quickly settled most, if not all, of these cases.

PARTIES

7.

Plaintiff, Michael Ryan Peacock, is a natural person and a resident/citizen of Atlanta, Fulton County, Georgia, which is in the Northern District of Georgia.

8.

Defendant, Yakim Manasseh Jordan a/k/a Prophet Manasseh Jordan (“Jordan”), is a natural person and, upon information and belief, is a resident of Broward County, Florida, which is in the Southern District of Florida.

JURISDICTION AND VENUE

9.

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1332.

10.

This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under a federal statute, the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, which provides individuals with a private right of action.

11.

This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff is a citizen of Georgia, and Defendant is a citizen of Florida. The amount in controversy, without interest and costs, exceeds \$75,000.00.

12.

Venue in this District is proper under 28 U.S.C.S. § 1391(b)(2) because Plaintiff resides here and Defendant placed the telephone calls that gave rise to

Plaintiff's claims into this District. In addition, Defendant has traveled to this District to attend speaking engagements and for fundraising activities.

CLASS ACTION ALLEGATIONS (N.D. Ga. LR 23.1)

13.

This suit may be maintained as a class action pursuant to Fed.R.Civ.P. 23(b)(1) and (3).

14.

Plaintiff seeks to certify a class consisting of all persons who, at any time during the four (4) years preceding the filing of this Complaint, received more than one prerecorded message in one calendar year from Defendant on a telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service. Excluded from the proposed class are persons with whom Defendant had an "established business relationship," as defined in 47 U.S.C.S. § 227.

15.

Based on Plaintiff's research and review of public records and court filings, Plaintiff believes that the class is composed of hundreds, if not thousands, of individuals around the country.

16.

Plaintiff will fairly and adequately protect the interests of the class. Plaintiff's counsel has litigated numerous consumer and securities class actions in federal and state court. Plaintiff's interests are not antagonistic to those of the class.

17.

The following are questions of law and fact which are common among members of the class: (1) whether Defendant utilized an automatic telephone dialing system or an artificial or prerecorded voice to leave messages on telephone numbers assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service; (2) the various numbers utilized to deliver said prerecorded messages; and (3) whether Defendant knew that his conduct violated the TCPA at the time the calls were made.

18.

Pursuant to 47 U.S.C. § 227(b)(3), individuals may bring a private action against violators of the TCPA and recover \$500.00 for each violation of the act (or up to three times that amount if the defendant willfully or knowingly violated the act or the regulations prescribed thereunder). Defendant has unlawfully called the Plaintiff's cellular telephone on at least 200 occasions, entitling Plaintiff to damages

of at least \$100,000.00 (and possibly up to \$300,000.00). Thus, the amount required for this Court to exercise diversity jurisdiction is satisfied.

FACTS

19.

Plaintiff has been assigned (404) 234-3488 as his cellular telephone number since 2004 (or thereabouts).

20.

The 404-area code covers Atlanta, Georgia and its closest suburbs, roughly within Interstate 285.

21.

At all times, relevant to this lawsuit, the carrier for Plaintiff's cellular telephone number was AT&T Wireless (formerly New Cingular Wireless PCS).

22.

Beginning in late-2014 and continuing through the present, Defendant placed more than 200 calls to Plaintiff's cellular telephone number using an automatic telephone dialing system to deliver pre-recorded messages. It is not uncommon for Defendant to call Plaintiff's cellular number with a prerecorded message several times in a single day.

23.

Many of these calls went unanswered and the prerecorded messages were left as voicemails, many of which have been saved by Plaintiff. Although the content of these prerecorded messages changes frequently, they are all from a man calling himself the “Prophet Manasseh,” who without fail urges the recipient of the message to call him back so that he can relay important information imparted to him by the Lord.

24.

The following is a transcription of one such prerecorded message, which went on for *eight* minutes before the call got disconnected due to signal quality issues:

1 Speaker 1: About to begin to place a key in your hands that's going to begin to
2 cause a major door to open up for thee, this year in 2016. For the
3 Bible begins to say in Isaiah 22, verse 22, "And the key of the house
4 of David will I lay upon his shoulder; so he shall open, and none shall
5 shut; and he shall shut, and none shall open." God is about to begin to
6 open up a door for you that no man can shut, and he's about to bring
7 something to a closure for you that no man can re-open.

8 I want you to hear closely what the Lord is beginning to say, because
9 in 2016, a major door is about to begin to open up for you. Matter of
10 fact, you'll see a sign of the opportunity of that major door that the
11 Lord is going to begin to open up in the first month. Listen up to what
12 the Lord's begun to speak to me, as He begins to place a key that will
13 rest upon thy shoulder in the 16th year.

14 Speaker 2: I hear the word of the Lord saying that this is going to be a time that
15 you're going to find yourself moving with a new level of courageous.
16 Your gifting, and your blessings, are going to come through your
17 connections and God says this is going to be the end of certain
18 business connections for the evolvment of others. Things and
19 relationships that seemed as if they were stale, that seemed as if they
20 were not moving, now they will begin to start getting more serious.

21 This is also going to be a time that you're going to find yourself
22 beginning to have much more of a flexible schedule. Things will not
23 seem as if they are so synched or organized as usual. For God says
24 [Notah 00:01:29] this is going to be you putting things in a systematic
25 way.

26 There is going to be other things. Ideas that you had years ago, that
27 you put aside, that you thought maybe you were not able or not
28 willing to do it, but God says that I'm going to begin to start
29 connecting the right people. You're going to find individuals pushing
30 you and asking you to travel and usually something in you will pull
31 back, but God says go ahead and do this for God says that as you
32 engage with others you will

33 find favor that will result in that.

34 This is also going to be a season that you're going to find your
35 sensitivity heightened spiritually as well as emotionally. God said this
36 is going to be a time that you have to be very careful who or what
37 individuals are in your ears. Because of the emotional things that you
38 have been going through and the things that you've even had to deal
39 with over the last eight months to nine months, it's very important that
40 you stay around people that ground you, number one, this year. It's
41 also very important that you stay around people that have a loving
42 heart for you.

43 For God said this is going to be a time that God says I have broken
44 you and I have been breaking you down, only to remold you and to
45 make you into what I have called you to become. This is also going to
46 be a time that you're going to find yourself having many witty ideas.
47 Your diet will be going to start changing. Certain changes even around
48 the family.

49 This is also going to be a time that there is going to be a loved one, a
50 family member, that you will have to let go and God says that as you
51 learn how to let it go, you will know that all will be well. For God
52 says that what man cannot fix, I will be able to fix and I will be able to
53 bring that peace in your heart. Certain relationships are confusing to
54 try to stay in and things even around your romantic part of life you
55 will begin to start finding unsettling and God shall say that I'm going
56 to rise you up in this time, be clear of what you want and God says do
57 not be [inaudible 00:03:23].

58 Many times you get into situations where you want one thing but
59 you're not as clear and as definite and God says that in this season,
60 indecisiveness will lead you to making poor choices. Being clear will
61 lead you to being the leader in the group and moving in a new
62 prosperous dimension in your life.

63 The Lord shall say this is going to be the time that you will find many
64 individuals around you just trying to seek to pull and take from you,

65 but God says that as you learn how to be empathetic in this time and
66 sympathetic, that you would begin to start finding a new release of
67 God's grace and as you learn to say "no" to certain people and move
68 away from certain people, God says favor will be the result that saves
69 the spirit of the living God.

70 Speaker 1: I know that you're feeling that shame [inaudible 00:04:15]. You know
71 the bible begins to say even as I'm holding your [keys 00:04:18] it
72 begins to say and I will give unto thee the keys to the Kingdom of
73 Heaven. You are a child of God. You are a child of God and God is
74 about to release this key into your hand, so whatever so thou shall
75 bind or earth shall be bound in the heavens and whatsoever that shall
76 loose on earth is loosed in heaven.

77 The thing that you'll be asking God to do when you get this key, I
78 want you to lay it on your pocketbook, lay it on your wallet, lay it on
79 whatever you carry your money in because I believe there's going to
80 be an opportunity that's going to loose something in your finances and
81 will bind every attack of the enemy, will bind every [inaudible
82 00:04:52] in spirit, will bind everything's that been taking place, that
83 you will get everything back. All losses will begin to stop and full
84 restoration will begin to be released to you.

85 The Lord began to speak to me and he says that in the year that God
86 will give you a complete turnaround. The bible said that he begun to
87 turn the positivity of Job. God is about to turn some things around for
88 you. For a time of your faith for the gospel, for the bible said it is now
89 faith that brings the substance. It is not when you pray that God
90 releases substance. It's not when you go to church that God releases
91 substance but the bible begins to say that it is in the nowness of faith.
92 It is the nowness of faith. Now faith is the substance of all things
93 hopeful. It is now that faith gives you the substance to get and capture
94 something from the heavens, from the unseen realm to bring it into the
95 seen realm and God is about to turn the captivity.

96 You are about to see all losses stop and there's going to be a major
97 financial opportunity that will begin to start opening up to you. I want
98 you now to activate your faith and activate the turnaround. I want you

99 to step out now for the gospel with a \$51 seed and [inaudible
100 00:06:01] I'm sowing the seed for the gospel. This is the gospel my
101 dear friend. Maybe the Lord is telling you to stand with that \$51 seed
102 and I will rush you this key. Maybe the Lord is saying to stand with
103 that \$151. Maybe your best seed is \$20.51. But I must send you this
104 uncut key as a faith. Your faith will begin to cut the key and bring
105 substance on what you need God to begin to do.

106 I want you now to step out with that \$51 seed. Maybe the Lord is
107 telling you to stand with that \$551, that \$351, that \$1,051. Wherever
108 your faith is, meet God where it is and you are going to begin to see
109 that whatever you lay upon this key, for the bible says that whatever
110 you bound on earth, it shall be bound in the heavens and whatever you
111 begin to declare and decree and loose in the heavens and loose on
112 earth, it shall begin to be loosed on earth.

113 You need to move by faith. It was when Hannah was moving by faith
114 and opened up and sacrificed unto the Lord and gave God her
115 [inaudible 00:07:05], that God [inaudible 00:07:06] says give her a
116 miracle. Oh, it was when Abraham moved in faith, that God begun to
117 perform a miracle. It was when the widow woman that's son was
118 going to be [inaudible 00:07:18] and the bible begins to say that you
119 offer a sacrifice and begin to find oil and begin to borrow it and God
120 begun to perform a miracle.

121 It is impossible to please the father without ...

25.

The calls placed to Plaintiff's cellular telephone number were unsolicited.

26.

Defendant has never had an established business relationship with Plaintiff.

27.

None of the calls at issue were made to collect a debt owed to or guaranteed by the United States.

28.

To the contrary, the calls at issue were made to entice Plaintiff and other recipients to contribute money to Defendant and to attend speaking engagements where Prophet Manasseh Jordan purportedly "reveals phenomenal insight into the universal truths of God" and "placed thousands on the road to their prophetic destiny and success." Upon information and belief, individuals who attend these speaking engagements are required (or strongly encouraged) to donate to Defendant and to purchase materials containing Prophet Manasseh Jordan's gospel.

29.

Defendant engaged in the conduct described above notwithstanding that multiple lawsuits had been filed against him by consumers across the nation. For example, on November 8, 2013, a putative class action was filed against Defendant in the U.S. District Court for the Northern District of Ohio alleging violations of the TCPA based on the same type of conduct complained of herein. Defendant quickly resolved that case, styled as *Jennifer Romack, Individually And On Behalf Of All Others Similarly Situated v. Yakim Manasseh Jordan, et al.*, Case No. 3:13-cv-2484-JZ, by settling with the named plaintiff prior to the certification of a class.

30.

Similarly, Defendant has successfully squelched other putative class actions based on TCPA violations by reaching quick settlements with the named plaintiffs prior to certification of any class. (See, e.g., *Jed Alexander, et al. v. The Prophet Manasseh Jordan Ministries*, Case No. 12cv2584IEG BLM, filed on October 23, 2012 in the U.S. District Court for Southern District of California.

CAUSES OF ACTION

COUNT I:

Violation of the TCPA, 47 U.S.C. § 227, et seq.

31.

Defendant has violated the TCPA, specifically: 47 U.S.C. § 227(b)(1)(A)(iii).

32.

Pursuant to 47 U.S.C.S. § 227(c)(5), Plaintiff is entitled to an order enjoining further violations of the TCPA by Defendant and to receive as damages \$500.00 for each violation.

33.

Further, because Defendant willfully or knowingly violated the TCPA and regulations promulgated thereunder, the Court should treble the amount of damages awarded to Plaintiff and other members of the putative class.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

(a) That the Court certify the putative class and certify this action as a class action;

(b) That Defendant be found liable for violating the TCPA, 47 U.S.C. § 227(b)(1)(A)(iii);

(c) That Defendant enjoined from further violating the TCPA and regulations promulgated thereunder;

(d) That Plaintiff and other members of the putative class receive \$500.00 in damages for each violation of the TCPA

(e) That the Defendant be found to have willfully or knowingly violated the TCPA;

(f) That the Court use its discretion to treble the amount of damages awarded to Plaintiffs and members of the class;

(g) That all issues of fact be tried by jury; and

(h) That the Court order such other and further relief as is just and proper.

Dated: November 23, 2016

Respectfully submitted,

s/ Michael Ryan Peacock
Michael Ryan Peacock, Esq.
Georgia Bar No. 001356
Plaintiff / Pro-se

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